

February 21, 2008

Hon. Naomi Reice Buchwald
United States District Judge
United States Courthouse
500 Pearl Street, Room 2270
New York, New York 10007

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Dear Judge Buchwald:

This Office represents the Commissioner of Social Security, defendant in the above-captioned action. I am writing to respectfully request a nunc pro tunc extension of defendant's time to answer or move with respect to the complaint.

After the Court granted one previous adjournment because this Office had yet received the administrative record, defendant's answer was due on February 11, 2008. It appears that due to an office filing error, the Court's so-ordered copy of our request for an adjournment was not received or docketed by me. I apologize to the Court and plaintiff for this inadvertent oversight. I have now received and reviewed the administrative record, and discussed the matter with agency counsel. Based on our discussion, defendant is presently reviewing the current administrative record for completeness and also reconsidering his position in this litigation. In view of the foregoing, I respectfully request that defendant's time to answer or move with respect to the complaint be extended to March 21, 2008.

This Office's efforts to contact plaintiff, who is proceeding pro se, have been unsuccessful. In addition, we note that the last three letters we mailed to plaintiff and a letter sent by Federal Express, were returned to this Office with a stamp indicating "attempted - not known."

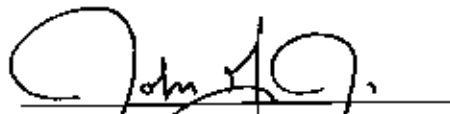
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2/22/08

Thank you for your consideration of this request.

Respectfully,

MICHAEL J. GARCIA
United States Attorney

By:

A handwritten signature in black ink, appearing to read "John E. Gura Jr.", written over a horizontal line.

JOHN E. GURA JR.
Assistant United States Attorney
Telephone: (212) 637-2712
Fax: (212) 637-2750

cc: David Leventhal
(By Mail)